

Notice
of
Rulemaking Hearing

Department of Environment and Conservation
Division of Solid Waste Management

There will be a public rulemaking hearing before the Tennessee Department of Environment and Conservation, Division of Solid Waste Management, acting on behalf of the Tennessee Solid Waste Disposal Control Board, to consider the adoption and promulgation of two specific amendments to Rule Chapter 1200-1-11 pursuant to the Tennessee Code Annotated Sections 68-212-106, and 68-212-107; and the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-101 et seq. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204, and will take place in the 5th Floor Conference Room, L & C Tower, 401 Church Street, Nashville, Tennessee at 1:00 p.m. CDT on Monday, April 14, 2008.

Individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten days prior to April 14, 2008 (or the date such party intends to review such filings), to allow time to provide such aid or services. Contact the ADA Coordinator at 1-615-532-0200 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Substance of the Proposed Rules

Amendments

Part 10 of subparagraph (e) of paragraph (1) of Rule 1200-1-11-.02 Identification and Listing of Hazardous Waste is amended by deleting the following language: "If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to Rule 1200-1-11-.11. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated" and reserving it so that the part, as amended, shall read as follows:

10. Reserved

Authority: T.C.A. §§ 68-212-106, 68-212-107, and 4-5-201 et seq. Administrative History: Original rule filed January 16, 1981; effective March 2, 1981. Amendment filed November 29, 1984; effective December 29, 1984. Amendment filed January 3, 1986; effective December 4, 1988. Amendment filed October 12, 1989; effective November 26, 1989. Amendment filed November 6, 1989; effective February 28, 1990. Amendment filed March 5, 1991; effective April 19, 1991. Amendment filed December 31, 1991; effective February 14, 1992. Amendment filed March 19, 1993; effective May 3, 1993. Amendment filed November 30, 1993; effective February 13, 1994. Amendment filed June 5, 1995; effective August 19, 1995. Amendment filed January 29, 1997; effective April 14, 1997. Amendment filed August 28, 1997; effective November 11, 1997. Amendment filed June 29, 1998; effective September 12, 1998. Amendment filed May 7, 1999; effective July 19, 1999. Amendment filed September 14, 2000; effective November 28,

2000. Amendment filed August 3, 2001; effective October 17, 2001. Amendment filed May 8, 2002; effective July 22, 2002. Amendment filed July 25, 2002; effective October 8, 2002. Amendment filed October 29, 2003; effective January 12, 2004; effective September 6, 2004. Amendment filed June 9, 2005; effective August 23, 2005. Amendment filed June 26, 2006; effective September 9, 2006.

Amendment

Subpart (iii) of part 2 of subparagraph (a) of paragraph (2) of Rule 1200-1-11-.11 Standards for the Management of Used Oil is amended by deleting its title and the following language: "Mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under Rule 1200-1-11-.02(1)(e) are subject to regulation as used oil under this Rule" and reserving it so that the subpart, as amended, shall read as follows:

(iii) Reserved

Authority: T.C.A. §§ 68-212-106, 68-212-107, and 4-5-201 et seq. Administrative History: Original Rule filed November 30, 1993; effective February 13, 1994. Amendment filed June 5, 1995; effective August 19, 1995. Amendment filed January 29, 1997; effective April 14, 1997. Amendment filed August 28, 1997; effective November 11, 1997. Amendment filed June 29, 1998; effective September 12, 1998. Amendment filed May 7, 1999; effective July 19, 1999. Amendment filed September 14, 2000; effective November 28, 2000. Amendment filed August 3, 2001; effective October 17, 2001. Amendment filed May 8, 2002; effective July 22, 2002. Amendment filed October 29, 2003; effective January 12, 2004. Amendment filed June 23, 2004; effective September 6, 2004. Amendment filed June 9, 2005; effective August 23, 2005. Amendment filed June 26, 2006; effective September 9, 2006.

Legal contact and/or party who will approve final copy for publication and is the contact for disk acquisition:

Mr. Robert S. Nakamoto
Division of Solid Waste Mgmt.
5th Floor, L & C Tower
401 Church Street
Nashville, TN 37243-1535
(615) 532-0868

Other Information

The Division prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review at the Tennessee Department of Environment and Conservation's (TDEC's) Environmental Field Offices located as follows:

Memphis Environmental Field Office
Suite E-645, Perimeter Park
2510 Mount. Moriah Road
Memphis, TN 38115-1520
(901) 368-7939/ 1-888-891-8332

Cookeville Environmental Field Office
1221 South Willow Avenue
Cookeville, TN 38506
(931) 432-4015/ 1-888-891-8332

Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305
(731) 512-1300/ 1-888-891-8332

Chattanooga Environmental Field Office
Suite 550- State Office Building
540 McCallie Avenue
Chattanooga, TN 37402-2013
(423) 634-5745/ 1-888-891-8332

Columbia Environmental Field Office
2484 Park Plus Drive
Columbia, TN 38401
(931) 380-3371/ 1-888-891-8332

Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921-5602
(865)594-6035/ 1-888-891-8332

Nashville Environmental Field Office
711 R. S. Gass Blvd.
Nashville, TN 37243-1550
(615) 687-7000/1-888-891-8332

Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, TN 37601-2162
(423) 854-5400/1-888-891-8332

The "Draft" rules may also be accessed for review using <http://state.tn.us/environment/swm/ppo>.

Draft copies may also be available for review at the Nashville Central Office (see address below).

Tennessee Department of Environment and Conservation
Division of Solid Waste Management
5th Floor, L&C Tower
401 Church Street
Nashville, Tennessee 37243-1535
(615) 532-0780

Office hours for the Division's offices are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Division of Solid Waste Management; Tennessee Department of Environment and Conservation; Attention: Mr. Robert S. Nakamoto; 5th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; telephone 615-532-0868 or FAX 615-532-0886. However, such written comments must be received by the Division by 4:30 PM CST, April 25, 2008 in order to assure consideration. For further information, please contact Mr. Robert S. Nakamoto at the above address or telephone number or by e-mail at robert.nakamoto@state.tn.us.

The notice of rulemaking set out herein was properly filed in the Department of State on the 27th day of February, 2008. (FS 02-20-08; DBID 824)